



Department of Justice

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DEFENDANT SENTENCED TO FEDERAL PRISON AFTER
ARREST BY SAINT REGIS MOHAWK TRIBAL POLICE OFFICER USING
FEDERAL CUSTOMS OFFICER AUTHORITY

[Plattsburgh, New York]— ERIC C. WILSON, age 23, of Saint Regis Falls, New York, was sentenced on June 8, 2013 in Utica, New York, by United States District Judge David N. Hurd to 12 months and one day of imprisonment for possessing with intent to distribute 50 kilograms or more of marijuana, announced United States Attorney Richard S. Hartunian and Homeland Security Investigations Special Agent-in-Charge James Spero. WILSON pled guilty to the charge on January 25, 2013. He was released until July 16, 2013 when he must report to prison.

The United States-Canadian border divides the reservation into an American portion – the Saint Regis Mohawk Reservation – and a Canadian portion – the Akwesasne Mohawk Reservation. On January 28, 2010, officers of the Saint Regis Mohawk Tribal Police (United States) and the Akwesasne Mohawk Police Service (Canada) saw a car driven by Wilson cross from the United States into Canada and then back through an unguarded and unmarked border crossing on the Saint Regis Mohawk Reservation in northern New York. A Detective Sergeant of the Saint Regis Mohawk Tribal Police who was cross-designated as a “customs officer” with Immigration and Customs Enforcement (ICE) found the car, followed it with another police officer, and then stopped it. Officers searched the car and found three large hockey bags with a total of 124.544 pounds of marijuana in the trunk.

The District Court (Hon. David N. Hurd, United States District Judge) suppressed the evidence based upon its finding that the sergeant stopped the car beyond the boundaries of the

reservation, and that the sergeant failed to comply with the ICE approval procedures for the exercise of his authority as a customs officer. The district court's decision is reported at *United States v. Wilson*, 754 F. Supp. 2d 450 (N.D.N.Y. Dec. 8, 2010).

The Court of Appeals reversed, holding that "the stop was justified by probable cause to believe that Wilson had entered the United States in violation of law" and that the sergeant was a validly designated customs officer authorized to effect the stop, so his failure to follow an internal ICE policy did not give rise to a Fourth Amendment violation. The Court of Appeals also held that there was probable cause to search the car for marijuana smuggled over the border.

United States Attorney Hartunian said, "My office is committed to working with tribal authorities and federal law enforcement officers to stop smugglers from using the Mohawk territory to bring drugs into our communities. This case illustrates how tribal authorities, federal law enforcement officers, and Canadian agencies all collaborate to ensure that there are no gaps in law enforcement coverage on and around the Mohawk territory."

The case was investigated by the Saint Regis Mohawk Police Department, the Akwesasne Mohawk Police Service, the United States Border Patrol, and Immigration and Customs Enforcement - Homeland Security Investigations. It was prosecuted by Assistant United States Attorney Elizabeth Horsman.